

### ✓ **BQA Investigation:**

When an entity sends an Incident Report to BQA, the report is promptly screened to determine whether further investigation is warranted. BQA notifies the accused person, entity and complainant by letter whether or not an investigation will be conducted.

Not all reported incidents are investigated by BQA. However, all incident reports are tracked and monitored. When a pattern of reported incidents by a caregiver occurs, an investigation may be opened at a later date.

BQA may conduct an investigation by conducting on-site visits, in-person interviews and/or telephone interviews. Both state investigators and contracted private investigators complete caregiver misconduct investigations. During the investigation, the entity must continue to protect the client.

After completing an investigation, BQA determines whether there is sufficient evidence to substantiate the complaint. BQA notifies the accused person, the entity, the complainant and other appropriate agencies whether or not the complaint was substantiated.

### ✓ **Caregiver Misconduct Registry:**

Wisconsin's Caregiver Misconduct Registry is a record of the names of nurse aides and other noncredentialed caregivers with a substantiated finding of caregiver misconduct. Nurse aides with a finding on the Caregiver Misconduct Registry may not be employed, in any capacity, in federally certified nursing homes or Intermediate care facility for persons with mental retardation. In addition, an individual with a finding on the Caregiver Misconduct Registry may not be employed as a caregiver in DHFS state-regulated facilities unless approved through the Rehabilitation Review process.

See the following "Contact Information" box to access further information regarding the Wisconsin Caregiver Program or specific details about a caregiver with a substantiated finding of misconduct.

## **CONTACT INFORMATION**

To report incidents of caregiver misconduct by noncredentialed staff:

**Caregiver Regulation and Investigation Section**  
**Bureau of Quality Assurance**  
2917 International Lane, Suite 300  
Madison, WI 53704  
**Phone:** (608) 243-2019  
**FAX:** (608) 243-2020  
**E-mail:** [caregiver\\_intake@dhfs.state.wi.us](mailto:caregiver_intake@dhfs.state.wi.us)

To report incidents of misconduct by credentialed staff:

**Department of Regulation and Licensing**  
**Division of Enforcement**  
P.O. Box 8935  
Madison, WI 53708-8935  
**Phone:** (608) 266-7482

Questions about reporting incidents of caregiver misconduct or offenses that affect caregiver employment eligibility?

**Caregiver Regulation and Investigation Section**  
**Bureau of Quality Assurance**  
2917 International Lane, Suite 300  
Madison, WI 53704  
**Phone:** (608) 243-2019  
**FAX:** (608) 243-2020  
**E-mail:** [caregiver\\_intake@dhfs.state.wi.us](mailto:caregiver_intake@dhfs.state.wi.us)

Questions about the Rehabilitation Review process?

**Office of Legal Counsel**  
**Phone:** (608) 266-8428  
**E-mail:** [RehabRC@dhfs.state.wi.us](mailto:RehabRC@dhfs.state.wi.us)

Questions about noncredentialed caregivers with substantiated finding of misconduct?

**Wisconsin Nurse Aide Registry**  
[www.promissor.com](http://www.promissor.com), click on "Other Services," click on "Registry Services," then scroll to "Wisconsin Nurse Aides" Interactive Voice Response (IVR): (877) 224-0235 toll free

Other questions?

See our web site: [www.dhfs.state.wi.us](http://www.dhfs.state.wi.us), click on "Licensing," click on "Licensing-Health/Medical Care," and then on "Caregiver Program (including background checks)"



*Making a difference.*

# **MISCONDUCT REPORTING REQUIREMENTS**

**For Entities Regulated by the  
Bureau of Quality Assurance**

in

# **WISCONSIN'S CAREGIVER PROGRAM**

**STATE OF WISCONSIN**  
**Department of Health and Family Services**  
**Division of Supportive Living**  
**Bureau of Quality Assurance**

**February 2003**

PSL-3158

## WISCONSIN CAREGIVER PROGRAM

This is an overview of the misconduct reporting requirements for entities regulated by the Bureau of Quality Assurance (BQA) in Wisconsin's Caregiver Program. For complete information, please see [www.dhfs.state.wi.us/caregiver](http://www.dhfs.state.wi.us/caregiver) or contact the phone numbers on the back of this brochure.

### ENTITY INVESTIGATION & REPORTING REQUIREMENTS

The Wisconsin Caregiver Program responds to concern in Wisconsin and around the nation about the potential for physical, emotional and financial abuse of vulnerable citizens by persons who have been convicted of serious crimes or have a history of improper behavior.

Therefore, entities are required to report allegations of caregiver misconduct to BQA. These reporting requirements provide a consistent method for reporting incidents of caregiver misconduct for all entities regulated by BQA.

#### ✓ Caregiver Misconduct:

Misconduct includes abuse or neglect of a client or misappropriation of a client's property, as defined under [ch. HFS 13 of the Wisconsin Administrative Code](#). Examples include, but are not limited to:

- **physical abuse:** hitting, slapping, pinching or kicking, to intentionally cause harm;
- **sexual abuse:** harassment, inappropriate touching or assault;
- **verbal abuse:** threats of harm, saying things to intentionally frighten a client;
- **mental abuse:** humiliation, harassment, intimidation with threats of punishment, of depriving a client of care or of the client's possessions;
- **neglect:** intentionally withholding care, failure to carry out a plan of care that could reasonably be expected to cause pain, injury or death of a client;
- **misappropriation of property:** theft of money, identity, credit cards or jewelry, misuse of

property, such as using a client's phone without consent.

#### ✓ Staff Incident Reporting:

An entity can learn of an incident from:

- Receiving a verbal or written statement of a client;
- Receiving a verbal or written statement of someone in a position to have knowledge of the incident;
- Discovering an incident after it occurred;
- Hearing about an incident from others;
- Observing injuries (physical, emotional or mental) to a client;
- Observing misappropriation of a client's property;
- Or otherwise becoming aware of an incident.

All staff persons must immediately report incidents of suspected caregiver misconduct or injuries of unknown source to a person with supervisory authority in their health care facility. It is then the facility's responsibility to decide how to proceed.

#### ✓ Entity Investigative Responsibilities:

All entities regulated by BQA must conduct a thorough investigation and document their findings for all incidents reported to them.

Immediately upon learning of the incident, the entity must take necessary steps to protect clients from possible subsequent incidents of misconduct or injury, while the matter is pending. In addition to BQA reporting requirements, entities are encouraged to notify local law enforcement authorities in any situation where there is a potential criminal violation of the law.

When an entity concludes that the following three conditions are true, the entity must report the incident:

1. The entity has reasonable cause to believe that they or another regulatory authority can name a suspected caregiver, and
2. The entity has reasonable cause to believe they have sufficient evidence or another regulatory authority could obtain the evidence, to show the alleged incident occurred, and

3. The entity has reasonable cause to believe the incident meets, or could meet, the definition of abuse, neglect or misappropriation.

#### ✓ Reporting an Incident:

Use [Incident Report form, DSL-2447](#). Entities may also wish to use the [Witness Statement form, DSL-2448](#).

#### Noncredentialed Staff

Submit the Incident Report to:

**Caregiver Regulation & Investigation Section  
Bureau of Quality Assurance  
2917 International Lane, Suite 300  
Madison, WI 53704  
Phone: (608) 243-2019  
FAX: (608) 243-2020**

Ensure the completed incident report is submitted according to the appropriate timeframe:

- Nursing homes and intermediate care facilities for the mentally retarded (ICFs/MR) that are certified to receive Medicare and Medicaid funds, must submit reports of alleged caregiver misconduct to BQA within **five (5) working days** of the incident or the date the entity knew or should have known of the incident.
- All other entities must submit reports of alleged caregiver misconduct to BQA within **seven (7) calendar days** of the incident or the date the entity knew or should have known of the incident.

#### Credentialed Staff

When the alleged caregiver misconduct involves staff credentialed by the Department of Regulation and Licensing, including but not limited to registered nurses, licensed practical nurses, physicians, etc., submit the incident report to the:

**Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935**